



Phone: (302) 425-6479
Fax: (302) 425-6464
Email: sheppard@blankrome.com

March 22, 2007

VIA HAND DELIVERY & ELECTRONIC FILING

The Honorable Mary Pat Thyng
United States Magistrate Judge
United States District Court
for the District of Delaware
J. Caleb Boggs Federal Bldg.
844 N. King St.
Room 6100
Wilmington, DE 19801

Re: L.J. Zucca, Inc. v. Allen Bros. Wholesale Distributors Inc., et al.
Civil Action No. 07-CV-00002 (MPT)

Dear Magistrate Judge Thyng:

In an effort to assist the Court with its reporting requirement pursuant to 28 U.S.C. § 2403, Defendant Cooper-Booth Wholesale Company has prepared the "Certification Pursuant to 28 U.S.C. § 2403" for the Court's signature, a copy of which is enclosed.

If the Court has any questions about the foregoing, we are available at the Court's convenience.

Respectfully,

A handwritten signature in black ink, appearing to read "D. K. Sheppard", written over a horizontal line.

David K. Sheppard
I.D. No. 4149

DKS:pfc
Enclosure

cc: All Counsel (on attached)

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cc: Stephen M. Orlofsky, Esquire (via electronic service)
Kit Applegate, Esquire (via electronic service)
Michael F. Bonkowski, Esquire (via electronic service)
Kimberly M. Large, Esquire (via electronic service)
Adrienne C. Rogove, Esquire (via electronic service)
James W. Semple, Esquire (via electronic service)
Eric Rayz, Esquire (via electronic service)
David E. Brand, Esquire (via electronic service)
Michael D. Fioretti, Esquire (via electronic service)
David S. Eagle, Esquire (via electronic service)
Brian C. Wille, Esquire (via First-Class Mail)
(Counsel for Defendant Western Skier Ltd.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

L.J. ZUCCA, INC.

Plaintiff,

v.

ALLEN BROS. WHOLESALE
DISTRIBUTORS INC., *et al.*,

Defendants.

C.A. No. 1:07-CV-2 (MPT)

CERTIFICATION PURSUANT TO 28 U.S.C. § 2403

Pursuant to 28 U.S.C. § 2403(b), I hereby certify that a constitutional challenge has been posed to the Delaware Unfair Cigarettes Sales Act, 6 *Del. C.* §§ 2601, *et seq.*, in the above-captioned action. Defendant Cooper-Booth Wholesale Company has moved for partial judgment on the pleadings on the grounds that the Delaware Unfair Cigarette Sales Act is preempted by Section 1 of the Sherman Act, 15 U.S.C. § 1.

Judge Mary Pat Thyng